

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 ANDREA RIDGELL, on behalf of) Case No.: 2:18-CV-04916 PA (AFMx)
11 herself and others similarly situated,)
12 Plaintiff,) [PROPOSED] JUDGMENT GRANTING
13 v.) FRONTIER AIRLINES INC.'S
14) MOTION FOR SUMMARY
15) JUDGMENT
16 FRONTIER AIRLINES, INC. a) Date: June 17, 2019
17 Colorado corporation; AIRBUS S.A.S.,) Time: 1:30 p.m.
18 a foreign corporation doing business in) Place: Courtroom of the Honorable Percy
19 the State of California; AIRBUS) Anderson
20 GROUP HQ, INC., a corporation doing)
21 business in the State of California,)
22 Defendants.)

19 Defendant Frontier Airlines, Inc.'s ("Frontier") motion for summary judgment
20 came on regularly for hearing on June 17, 2019, at 1:30 p.m., in the United States
21 District Court, Central District of California, the Honorable Percy Anderson presiding.

After consideration of the papers submitted by the parties, arguments of counsel and all other papers on file in this action, the Court finds that:

WHEREAS, federal control over aviation and aviation safety is "intensive and exclusive," Frontier cannot be held liable for operating an aircraft that the US Federal Aviation Administration ("FAA") has certified as airworthy, or for not warning about a condition which the FAA has not deemed to be unsafe;

28 WHEREAS, the pervasive regulations test, the nature of the subject matter test

1 and the Airline Deregulation Act all preclude the use of state law, federal standards
2 exclusively govern liability in this matter; and

3 WHEREAS, plaintiff's causes of action against Frontier fail as a matter of law
4 because: Frontier operated and maintained the subject aircraft in accordance with
5 FAA regulations; the inspection of the subject aircraft following the odor incident
6 described in plaintiff's complaint did not reveal any defects or issues with the aircraft;
7 the subject aircraft was tracked for 30 days following the incident and no odor events
8 were noted; plaintiff has not disclosed any expert witnesses with respect to her alleged
9 injury, causation, or any relevant standards of care; the gate agents handling diverted
10 flight no. 1630 in Phoenix did not confine or intend to confine plaintiff; and plaintiff
11 consented to remain in the terminal area to hear announcements regarding her flight.

12 IT IS HEREBY ORDERED AND ADJUDGED THAT:

13 Pursuant to Federal Rule of Civil Procedure 56, Frontier's motion for summary
14 judgment is granted and judgment is hereby entered in favor of Frontier and against
15 plaintiff.

16 IT IS SO ORDERED.

17
18 DATED: _____, 2019

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20 HONORABLE PERCY ANDERSON
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22 UNITED STATES DISTRICT COURT

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years, and not a party to the within action. My business address is 633 West 5th Street, 26th Floor, Los Angeles, California 90071.

On May 20, 2019, I served the document(s) described as:

[PROPOSED] JUDGMENT GRANTING FRONTIER AIRLINES INC.'S
MOTION FOR SUMMARY JUDGMENT

on the parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

in the following manner:

- (BY FAX):** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
 - (BY MAIL):** as follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
 - (BY OVERNIGHT DELIVERY):** I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.
 - (BY PERSONAL SERVICE):** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
 - (BY CM/ECF):** by electronic filing system with the clerk of the Court which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have filed a Notice of Consent to Electronic Service in this action:

I declare I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **May 20, 2019**, at Los Angeles, California.

Sonja L. Gray

1 SERVICE LIST
2

3 Marcus J. Bradley, Esq. (SBN 174156)
4 Kiley L. Grombacher, Esq. (SBN 245960)
5 BRADLEY/GROMBACHER LLP
6 2815 Townsgate Road, Suite 130
7 Westlake Village, California 91361
8 Tel: (805) 270-7100
9 Fax: (805) 270-7100
10 E-Mail: mbradley@bradleygrombacher.com
11 kgrombacher@bradleygrombacher.com

12 Attorneys for Plaintiff
13

14 Kristi D. Rothschild, Esq. (SBN 222727)
15 Julian Alwill, Esq. (SBN 259416)
16 ROTHSCCHILD & ASSOCIATES, APC
17 27 W. Anapamu Street, Suite 289
18 Santa Barbara, California 93101
19 Tel: (805) 845-1190
20 Fax: (805) 456-0132
21 E-Mail: krothschild@kdrlawgroup.com
22 jalwill@kdrlawgroup.com

23 Attorneys for Plaintiff
24

CLYDE & CO US LLP
355 S. Grand Avenue, 14th Floor
Los Angeles, California 90071
Telephone: (213) 358-7600